

AGENDA INFORMATION
Three Rivers Community Plan Update
Community Meeting
Monday February 8, 2016 6:00 P.M.
Three Rivers Veterans Memorial Building
43490 Sierra Drive
Three Rivers, CA

3. Discussion of Special Topics.

(a) M375A Mineral King Bridge Project.

Tulare County, in cooperation with the California Department of Transportation (Caltrans), proposes to replace and/or rehabilitate the existing bridge to enhance public safety, improve the sufficiency rating, and remove the structurally deficient flag. Tulare County staff will provide a brief presentation during the Community Plan meeting on February 8, 2016 regarding this project.

(b) Development on Slopes.

1. General Plan Policies Regarding Development on Slopes and Visual Resources.
2. Draft Three Rivers Community Update Visual Character and Development on Slopes Policies.

Background/Overview:

The Tulare County General Plan and Draft Three Rivers Community Plan Update contain numerous policies addressing development on slopes and the importance of maintaining the visual character, community character, and scenic qualities that are present in the County. As indicated in the General Plan, "The scenic landscapes in Tulare County will continue to be one of its most visible assets. The Tulare County General Plan emphasizes the enhancement and preservation of these resources as critical to the future of the County. The County will continue to assess the recreational, tourism, quality of life, and economic benefits that scenic landscapes provide and implement programs that preserve and use this resource to the fullest extent."

Considerations: *What questions are there regarding the existing policies and regulations and how they are applied? Are there other considerations in addition to these policies that need to be evaluated? Are there other policy considerations in addition to the General Plan Policies or draft Three Rivers Community Plan Update policies that that need to be evaluated?*

3. Discussion of Special Topics.

(c) Development Standards.

1. Foothill Growth Management Plan Development Standards
2. General Plan Policies: Development Standards
3. Tulare County Improvement Standards
4. SRA Fire Safe Standards
5. Bear/Animal Resistant Containers

Background/Overview:

A comprehensive General Plan provides a jurisdiction (a City or County) with a consistent framework for land use decision-making. The General Plan has been called the “constitution” for land use development to emphasize its importance to land use decisions. A General Plan is called upon to address a range of diverse, sometimes divergent, public interests. A County utilizes broad discretion to weigh and balance competing interests in formulating general-plan policies. The General Plan and its policies, maps, and diagrams form the basis for the County’s zoning, subdivision, and public works actions. Under California law, no specific plan, zoning, subdivision map, or public works project may be approved unless the County finds that it is consistent with the adopted General Plan as per Government Code §§ 65359, 65401, 65454, 65860, and 66473.5.

The purpose of development standards is to implement the General Plan and to guide and manage the future growth of the county in compliance with the General Plan.

Development standards regulate the design of building sites, buildings, land uses, parking areas, or other forms of land development by providing appropriate standards for development. Some examples of development standards relevant to development and foothill development include the following which are included in your agenda packet:

1. Foothill Growth Management Plan Development Standards
2. General Plan Policies: Development Standards
3. Tulare County Improvement Standards
4. SRA Fire Safe Standards

General Plan Policies set out the direction against which consistency findings will be made. General Plan 2030 Update policies fall into four categories depending on the purpose they serve and how they are implemented.

Framing Policies. *These are general policy statements that set out broad direction, much like a goal. These typically do not require a follow-up Implementation Measure.*

Consistency Standard Policies. *These are policies that, taken together, establish a basis for consistency findings in individual project reviews. They set a standard for approval or denial of a project or provide the basis for imposing conditions on the project that would*

allow for the project's approval. These policies are "self implementing" in that they do not require a follow up Implementation Measure.

County Directory Policies. *These are policies that generally commit the County to undertaking a particular action. Typically, these require a specific Implementation Measure, which will be incorporated into the Work Plan.*

Environmental Mitigation Policies. *These are policies that serve to minimize or eliminate potentially significant environmental impacts. Often these are identified through the environmental review process and cited specifically in environmental findings made under the California Environmental Quality Act in approving the General Plan and certifying the EIR.*

All general plans must address a range of diverse, sometimes divergent, public interests. They must do so within a consistent, well-integrated policy framework. A county utilizes broad discretion to weigh and balance competing interests in formulating general plan policies. In implementing those policies, it is the task of the Board of Supervisors, or its delegates, to make determinations in a manner that promotes the objectives and policies of all aspects of the General Plan, and does not obstruct their attainment. Policy implementation may require reasonable and thoughtful consideration of a number of General Plan policies. Such implementation decisions will be made on a case-by-case basis as the Board of Supervisors, Planning Commission, County staff, and others work to implement the entire General Plan. When implementing the General Plan or reviewing projects or approvals for consistency with the General Plan, the County will need to balance numerous planning, environmental and policy considerations.

Another overall principle to guide the reading and interpreting of the General Plan and its policies is that none of its provisions will be interpreted by the County in a manner that violates State or Federal law. For example, PFS-1.3: Impact Mitigation, requires new development to pay for its proportionate share of the costs of infrastructure required to serve the project. This policy will be implemented subject to applicable legal standards, including but not limited to the U.S. Constitution's "Takings" clause. In reading every provision of the General Plan, one should infer that it is limited by the principle: "to the extent legally permitted".

Policies throughout the General Plan use the terminology "shall" and "should." For the purposes of interpreting the policies in this General Plan, the term "shall" indicates a mandatory or required action or a duty to undertake an action unless the context indicates otherwise, in which case the term is synonymous with "should." The term "should" indicates a directive subject to discretion and requires at least review or consideration and, in that context, substantial compliance with the spirit or purpose of these General Plan policies. The term "may" indicates at the sole discretion of the County.

The Tulare County Improvement Standards specify that required improvements “shall be done in accordance with the applicable sections of these improvement standards including the California Standard Specifications, (hereinafter called the “Standards Specifications”); Section 7000 – 7126 of the Tulare County Ordinance Code; and such other special provisions prepared by the developer’s engineer and approved by the County Public Works Director that are necessary for the successful completion of the required work.” The improvement standards apply to improvements in subdivisions, road rights of way and at other locations specified by ordinance.

Considerations: *What questions are there regarding the existing policies and regulations and how they are applied? Are there other considerations in addition to these policies that need to be evaluated? Are there other policy considerations in addition to the General Plan Policies or draft Three Rivers Community Plan Update policies that that need to be evaluated? The following topic was discussed at previous community plan update meetings. Is there an interest in a policy, ordinance, or equivalent mechanism for establishing requirements for Bear/Animal Resistant Containers?*